



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,075	04/16/2004	Richard W. Hartger	HAR23 P-101	9973
28101	7590	05/12/2006	EXAMINER	
VAN DYKE, GARDNER, LINN AND BURKHART, LLP			DOOLEY, JAMES C	
2851 CHARLEVOIX DRIVE, S.E.			ART UNIT	
P.O. BOX 888695			PAPER NUMBER	
GRAND RAPIDS, MI 49588-8695			3634	

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/826,075	Applicant(s) HARTGER, RICHARD W.	
	Examiner James C. Dooley	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 49-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 49-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/06/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 22-48 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on February 27, 2006.

Applicant's election with traverse of 1-21 and 49-55 in the reply filed on February 27, 2006 is acknowledged. The traversal is on the grounds that claims 14-21 are different definitions of the same subject matter. This is found persuasive and claims 1-21 and 49-55 have been examined in this Office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2,4-6, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Crockett (US 6,131,749). Crockett discloses a rack stand having first and second support frames (170) each frame having an attachment member (150), and a connecting member (120) removably received in the attachment members (150).

With respect to claim 2, the attachment members (150) comprise sleeves.

With respect to claim 4, the sleeves (4) extend in a plane normal to the plane defined by the frames.

With respect to claim 5, the connection member (120) has ends located proximate the first and second sleeves (150).

With respect to claim 6, the connection member has first and second lock holes (110) for receiving a lock (152) so that removal from their respective sleeve (150) is prohibited.

With respect to claim 8, each frame (170) includes a stabilizing foot (176).

Claims 14-18, 21, and 49-51 are rejected under 35 U.S.C. 102(b) as being anticipated by Cox (US 3,100,573).

With respect to claims 14 and 49, Cox discloses a stand having first (22) and second (23) frames, each frame having first (42) and second (43) attachment members, first (24) and second (25) mounting posts, a mounted member (26), and a connecting member (38).

With respect to claims 15 and 50, the attachment members (42,43) comprise sleeves for receiving nuts (44,45).

With respect to claims 16 and 51, the mounted member (26) is a banner display (display board), having first, second, third, and fourth legs (28), where each leg is received by a mounting post (24,25).

With respect to claim 17, each mounting post (24,25) includes a stop (34) for supporting the legs (28).

With respect to claim 18, each mounting post includes a posthole for receiving a stop (34) and the legs also include a mounting hole (36) for receiving stop 34, so that the postholes and mounting holes (36) are aligned with stop (34).

With respect to claim 21, figure 1 shows a connecting member (38) received by the stand sleeves (42,43).

Claims 1-2, 8, 14-15, 19, 49-50, and 52-53, are rejected under 35 U.S.C. 102(b) as being anticipated by Poles (US 774272).

With respect to claims 1, 9, 14 and 49, Poles discloses a stand having first and second frames (E), each frame having first and second attachment members (Q), first and second mounting posts (R), a mounted member (S), and a connecting member (H).

With respect to claims 2, 15 and 50, the attachment members (Q) comprise sleeves.

With respect to claim 8, the frames (E) include a stabilizing foot (C).

With respect to claims 19 and 52, Poles ('272) discloses first and second (T) vertical cover members extending upwardly from the mounting posts (R). A horizontal cover member (U) extends between the first and second opposite cover members (T). A tarpaulin is disposed over the horizontal cover member (U), see page 2 lines 1-19. As shown in figure 2 the tarpaulin substantially covers the area bounded by the first and second support ends (E).

With respect to claim 53, the connecting member (H) is connected to the first support (H) by means of a pivot as shown in figure 1, having an aperture and locking pin.

Claims 1, 7, 13-14, 49, 53, 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Hickok (US 3,338,422).

With respect to claim 1, Hickok discloses a frame support having first and second frames (11) and first and second attachment members (19). The attachment members removably receive a connecting member (15).

With respect to claim 7, as shown in figure 3 the connecting member (15) is hollow. Hickok also discloses a cable (23). As shown in figure 3 the diameter of the cable (23) is smaller than the diameter of the connecting member (15), therefore the connecting (15) is considered adapted to receive the cable (23). Further Hickok discloses the cable is adapted to receive locks (27).

With respect to claim 13, the connecting member (15) further comprises slidable locking rings (29).

With respect to claim 14, Hickok discloses a frame support having first and second frames (11), first and second attachment members (19), first and second mounting posts (39), a mounted member (35) received in the mounting posts (39) by fasteners (21).

With respect to claim 49, Hickok discloses a frame support having first and second frames (11), first and second attachment members (19), first and second

Art Unit: 3634

mounting posts (39). Where the attachment members removably receive a connecting member (15), and the mounting posts (39) receive a mounted member (35).

With respect to claim 53, Hickok discloses the attachment means are bolts (19). Therefore lock holes in the connecting member are necessary to fasten the connecting member to the frame (11).

With respect to claim 55, the connecting member (15) further comprises slidable locking rings (29).

Claims 1, 14, 49, and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Meloy (US 5,467,842). Meloy discloses first and second frame supports having first and second stands (19-22), each stand having an attachment member (15-18), each stand having a mounting post (23), a connecting member (11), and a mounted member (13,14) received in the attachment members (15-18).

With respect to claim 15, the attachment means (15-18) comprise sleeves.

With respect to claim 21, the connecting member (11) is received in the sleeves (15-18).

With respect to claim 54, figure 4 shows the connecting member and attachment members form a hollow tube. Meloy further disclose a cable (24). The connecting members and attachment members being hollow are adapted to receive the cable (24). Further the cable comprises a chain, therefore adapted to receive a lock.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Meloy (US 5,467,842) alone. Meloy disclose a rack stand having first and second frames, an attachment member, a connecting member, a mounting post, and a mounted member. Meloy does not disclose the material from which the rack stand is made. Accordingly, it would have been obvious to one with ordinary skill in the art at the time of the invention to construct the rack stand of Meloy from any material with any type of coating appropriate for the desired use. From figure 1 it is obvious that the legs are constructed from a solid material and the attachment means are tubular.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lang et al. (US 4,632,344).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James C. Dooley whose telephone number is 571-2721679. The examiner can normally be reached on M-F 9-5:30.

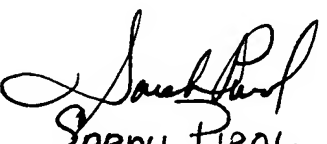
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James C Dooley
Examiner
Art Unit 3634

May 11, 2006



SARAH TUROL
PRIMARY EXAMINER